

Atty. Dkt. No. 017386-0115

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

3D GRATING OPTICAL SENSOR COMPRISING A DIFFUSION GLASS FOR CONDUCTING CHROMATOMETRY WITH COLOR CONSTANCY PERFORMANCE

(Attorney Docket No. 017386-0115)

the specification of which (check one)

 X is attached hereto.

 was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Atty. Dkt. No. 017386-0115

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priorty Claimed? | Certified Copy Attached? |
|----------------------------------|-----------------------------|---------------------|------------------|--------------------------|
| 100 22 349.4 | Federal Republic of Germany | May 8, 2000 | YES | |
| 101 16 996.5 | Federal Republic of Germany | April 5, 2001 | YES | |
| | | | | |

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | PCT/DE01/01568 | April 24, 2001 | |
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I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

| | |
|---------------------|-----------------|
| STEPHEN A. BENT | Reg. No. 29,768 |
| DAVID A. BLUMENTHAL | Reg. No. 26,257 |
| BETH A. BURROUS | Reg. No. 35,087 |
| ALAN I. CANTOR | Reg. No. 28,163 |
| WILLIAM T. ELLIS | Reg. No. 26,874 |
| JOHN J. FELDHAUS | Reg. No. 28,822 |
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| RICHARD C. PEET | Reg. No. 35,792 |
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| ANDREW E. RAWLINS | Reg. No. 34,702 |
| BERNHARD D. SAXE | Reg. No. 28,665 |
| CHARLES F. SCHILL | Reg. No. 27,590 |
| RICHARD L. SCHWAAB | Reg. No. 25,479 |
| MICHELE M. SIMKIN | Reg. No. 34,717 |
| HAROLD C. WEGNER | Reg. No. 25,258 |

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Glenn Law
FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5426
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

Norbert LAUINGER

Residence

Wetzlar, Federal Republic of Germany

Citizenship

Federal Republic of Germany

Post Office Address

Kalsmunt-Westhang 9

D-35578 Wetzlar, Federal Republic of Germany

Inventor's signature

Date

04/01/02

10030053-010802

PTO/SB/09 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICANT OR PATENTEE: Norbert LAUINGERSERIAL OR PATENT NO.: UnassignedATTORNEY DOCKET NO.: 17386/0115FILED OR ISSUED: Concurrently HerewithFOR: 3D GRATING OPTICAL SENSOR COMPRISING A DIFFUSION GLASS FOR CONDUCTING CHROMATOMETRY WITH COLOR CONSTANCY PERFORMANCE**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27) — INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.27 for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled 3D GRATING OPTICAL SENSOR COMPRISING A DIFFUSION GLASS FOR CONDUCTING CHROMATOMETRY WITH COLOR CONSTANCY PERFORMANCE, described in

- (X) the specification filed herewith
() application serial no. _____; filed _____
() patent no.: _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.27(a)(1) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

- () no such person, concern or organization
() persons, concerns or organizations listed below*

* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: Norbert LAUINGERADDRESS: Kalsmunt-Westhang 9, D-35578 Wetzlar, Federal Republic of Germany

(X) INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT CORPORATION

PTO/SB/09 (12-97)

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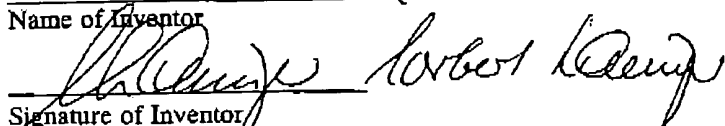
ATTORNEY DOCKET NO.: 17386/0115

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Norbert LALLINGER

Name of Inventor


Signature of Inventor04/01/02
Date

10030053-010802